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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,446	01/19/2005	Ian Boddy	71486-0086	8664
20915 7590 05/02/2008 MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503				
EXAMINER				
MARSH, STEVEN M				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
05/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,446

Applicant(s)

BODDY ET AL.

Examiner

STEVEN M. MARSH

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6 and 9-19 is/are rejected.
- 7) ☒ Claim(s) 3, 7, 8 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the second office action for U.S. Application 10/522,446 for a Mounting System for a Vehicular Mirror filed on January 19, 2005. Claims 1-22 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, and 9-19 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,039,449 to Dolan et al. Dolan et al. discloses a side-mounted rearview mirror assembly with a mirror housing (15) enclosing a mirror case supporting a reflective element and a support base (13) with a mounting panel (part that 17 is mounted on) for mounting the mirror. There are three hook assemblies (25...34 and 36) extending from the mounting panel that could engage three sockets mounting the mirror assembly to a vehicle by translating the panel relative to the socket. There is a resilient flip seal (the inner portion of 19... also could be described as a flexible, removable door for covering the access opening at 17) extending along at least a portion of the perimeter of the support base, the resilient seal being integral with the panel and being a trim frame adapted for mounting over the support base when the mirror is mounted to a vehicle. The mirror has a pivot point at an outboard end for adjust the horizontal and vertical tilt and has a power pack mounted to an inboard end of the mirror case (the

Art Unit: 3632

wiring tail). With respect to claim 13, there is a side panel (part that contains 12) with a socket (12), and the hook is adapted to be slidably received within the socket when the hook and socket are operably aligned with one another and the panel is moved forwardly with respect to the side panel so that the hook is received within the socket. There is at least one fastener (17) fixedly mounting the mounting panel to the side panel, the fastener extending through aligned apertures in the mounting panel and the side panel and the seal can form an effective barrier against wind and water ingress when the mounting panel is mounted to the side panel.

Allowable Subject Matter

Claim 3, 7, 8, and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,116,743 to Hoek

U.S. Patent 6,213,609 to Foote et al.

U.S. Patent 6,239,928 to Whitehead et al.

U.S. Patent 6,276,808 to Foote et al.

U.S. Patent 6,390,635 to Whitehead et al.

Art Unit: 3632

U.S. Patent 7,195,382 to Foote

U.S. Patent 7,270,430 to Olijnyk et al.

The above patents disclose mirror mounting assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Steven M Marsh/

Primary Examiner, Art Unit 3632

Steven M. Marsh

April 26, 2008